

### **REMARKS**

Claims 1-17 and 25-31 are pending. Claims 1-17 stand preliminarily rejected under §103. Reconsideration of the application is respectfully requested.

#### **Rejections Under §103**

Claims 1-2, 4, 6, 8, 10-12, 15 and 17 stand preliminarily rejected under §103 in view of U.S. Patent No. 2,810,602 (Abrams) in view of U.S. Patent No. 3,481,627 (Felburn). Applicant respectfully submits that the claims, as amended, are not taught or suggested by Abrams in view of Felburn and respectfully requests withdrawal of the rejection.

The Office Action asserts that Felburn teaches, "a coil chock 44 mounted to a first wall portion," and, "another coil chock mounted to a second wall portion." Applicant respectfully submits that Felburn does not teach or suggest "wall portions" as relevant to the current claims, but instead teaches a "shoe 44" mounted in a "support fixture 30" secured with a hook in a "trough 20" or slot on a "cargo bed 10." Applicant respectfully submits that Felburn does not teach or suggest chocks mounted on transitional wall portions as in claims 1 and 11.

Further, the Office Action asserts that it would have been obvious, "to have provided movable coil chocks as taught by Felburn upon the transitional walls of Abrams in order to better position and secure different sized cylindrical objects between the walls." Evidence of such a reason or suggestion to combine is legally required:

In order to prevent a hindsight-based obviousness analysis, [the Federal Circuit has] clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references."

*Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000).

The Office Action generically recites, "it would have been obvious to one of ordinary skill in the art" to combine the cited references. This does not satisfy the rigorous requirement of proving evidence of a teaching or motivation. As a generic allegation, "[t]he level of ordinary skill in the art cannot be relied upon to provide the suggestion to combine references." MPEP § 2143.01 (citing, *Al-Site Corp. v. VSI Int'l. Inc.*, 174 F.3d 1308 (Fed. Cir. 1999)). Abrams and Felburn neither alone nor in combination teach or suggest any desirability of better positioning and securing different sized cylindrical objects between the fixed walls of Abrams. Applicant respectfully submits that no such reason to combine is obvious, and no evidence of such a suggestion or motivation to make such a combination has been cited on the record.

Furthermore, Applicant respectfully submits that even if combined, Abrams in view of Felburn does not teach or suggest claims 1 or 11, as amended, nor their dependent claims.

For example, claim 1 recites front and rear chocks hingedly mounted to transitional wall portions and pivotable between a first position and a second position. Neither Abrams nor Felburn teach or suggest a chock hingedly mounted to a transitional wall portion and pivotable between two positions. The Office Action admits that "Abrams lacks front and rear coil chocks mounted to transitional walls." Further, in contrast to the required pivotable movement, Felburn teaches a shoe 44 which is separately raised and lowered into a desired socket 40. (Felburn Col. 4, ll.37-44 and Fig. 3)

As another example, claim 11 recites chocks movable between a support position and a stowed position. Neither Abrams nor Felburn teach a chock movable between a support position and a stowed position.

Claims 9 and 16 stand preliminarily rejected under §103 with Abrams in view of Felburn in view of U.S. Patent No. 5,211,518 (Mimica). Applicant respectfully submits that the claims,

as amended, are not taught or suggested by Abrams in view of Felburn and Mimica and respectfully requests withdrawal of the rejection.

For example, claims 9-16 require that a strap is, "arranged to pass through an opening in a cylindrical object loaded on the trailer." The Office Action concedes that Abrams as modified by Felburn does not teach a strap retractably engaged with a strap tightening apparatus.

Applicant respectfully submits that Mimica does not teach or suggest a strap passing through an opening in a cylindrical object. Applicant requests withdrawal of the rejection of claims 9 and 16 for at least this reason.

Applicant respectfully submits that claims 2-10 and 12-17 are dependent upon claims 1 and 11 and are allowable for at least the same reasons.

Applicant respectfully notes that claims 3 and 13 are indicated as rejected on the Office Action Summary page, but are not specifically rejected in the body of the Office Action.

Applicant accordingly is unable to respond to a specific rejection of those claims.

#### **New Claims**

Claims 25-31 have been added to further clarify and define the invention. Applicant submits that claims 25-31 are allowable over the prior art.